
(2021) 05 CHH CK 0178

In the Chhattisgarh High Court

Case No : Miscellaneous Criminal Case (MCRC) No. 3179 Of 2021

Durgesh @ Bhaiyalal Jayswal

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision : 28-05-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

Chhattisgarh Excise Act, 1915 — Section 34(1)(f), 34(2), 59(A)

Citation : (2021) 05 CHH CK 0178

Hon'ble Judges : Sanjay S. Agrawal, J

Bench : Single Bench

Advocate : Umesh Verma, Fouzia Mirza

Final Decision : Allowed

Judgement

Sanjay S. Agrawal, J

1. The matter is heard through video conference.
2. This is the first bail application filed by the Applicant under Section 439 of the Code of Criminal Procedure, 1973(hereinafter referred to as 'the Cr.P.C.') for grant of regular bail as he has been arrested on 28.4.2021 in connection with Crime No. 148/2021, registered at Police Station- Lormi, District Mungeli (CG) for the offence punishable under Sections 34(1)(f), 34(2) and 59(A) of the Chhattisgarh Excise Act, 1915.
3. According to the prosecution, 60 bulk liters of hand made Mahua liquor has been seized from the possession of the Applicant and therefore, the alleged offence has been registered against him.
4. Learned counsel for the Applicant submits that the Applicant is innocent and has been falsely implicated in connection with the aforesaid crime as

the alleged seizure has not been made from his possession. It is submitted further that as the Applicant is in jail since 28.4.2021 and the offence is triable by Judicial Magistrate First Class, therefore, he may be enlarged on bail.

5. On the other hand, learned counsel for the Non-Applicant/State opposes the bail application.

6. I have heard learned counsel for the parties and perused the case diary carefully.

7. Having heard learned counsel for the parties, having considered the facts and circumstances of the case and considering further the length of pre-

trial detention of the Applicant with regard to the offence triable by Judicial Magistrate First Class, I am inclined to enlarge the Applicant on bail.

8. Accordingly, bail application filed under Section 439 Cr.P.C. is allowed. It is directed that the Applicant shall be released on bail on his executing a

personal bond for a sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the concerned trial Court. He is directed to appear

before the trial Court on each and every date given to him by the said Court.